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| 10/683,834      | 10/10/2003  | Robert F. Thomas     |                     | 2704             |

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07/15/2004

FRANK L. KUBLER  
13261 S.W. 54th Court  
Miramar, FL 33027

EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/683,834

Applicant(s)

THOMAS, ROBERT F.

Examiner

Stephen L. Blau

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - a. On page 5 line 2 the word "diam ter" is missing a letter.
  - b. On page 6 line 1 the word "th " is missing a letter.Appropriate correction is required.

### ***Claim Objections***

2. Claim 4 is objected to because of the following informalities: In line 26 the word "diam ter" is missing a letter. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5, 7, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 is indefinite in that the location of the

stop collars are confusing. Lines 6-9 state that the first extension stop collar is located adjacent the distal end of the intermediate shaft segment and a second extension stop collar is located adjacent the distal end of the distal shaft segment. The specification and drawings have the first extension stop collar being located adjacent the distal end of the proximal shaft segment and a second extension stop collar is located adjacent the distal end of the intermediate shaft segment (Page 10, lines 10-17, Fig. 1). In claim 7 it is believed that in lines 1-4 it is more correct to state, "and wherein said first and second extension stop collars each comprise a circumferential collar proximal edge ..." since the proximal ends of the extension stop collars interact with the dual abutment collars. In claim 12 it is believed that in lines 6-9 it is more correct to state "and wherein said first extension stop collar is located adjacent to the distal end of said proximal shaft segment and wherein said second extension stop collar is located adjacent to the distal end of said intermediate shaft segment " as shown in figure 1. In claim 14 it is believed that in lines 1-4 it is more correct to state, "wherein said first and second extension stop collars each comprise a circumferential collar proximal edge divided into a collar locking notch and a collar locking projection ..." since the proximal end of the stop collars with interact with the distal end of the dual abutment collars

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehrich.

Ehrich discloses a telescoping club, a head, a two shaft segments, a shaft proximal end, a shaft distal end connected to a head, and a grip covering a portion of a shaft proximal end (Figs. 1-5).

7. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Divnick.

Divnick discloses stop means preventing shaft segments from sliding entirely out of the other segments in the form of frictional engagement (Fig. 1, Col. 6, Lns. 9-21).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich in view of Findlay.

Ehrich discloses a shaft secured to a head (Fig. 1).

Ehrich lacks a head having a bore into which a shaft end is fitted. Findlay discloses a club head having a bore into which a shaft end is able to be fitted and secured to (Figures 1-2). In view of the patent of Findlay it would have been obvious to modify the putter of Ehrich to have a head having a bore into which a shaft end is fitted in order to use a known method in the art of securing a shaft to a head.

10. Claims 3-5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich in view of Arkin.

Ehrich discloses two shaft segments (Figs. 3-4), a first extension stop collar (30) fastened to the interior surface of a proximal shaft at a distal end, a first extension stop collar having an interior diameter sized such that an intermediate shaft segment fits slidingly inside (Fig. 5), a first retraction stop plug fastened to an interior surface of a proximal shaft segment (32), a first dual abutment collar fastened to the exterior surface of the intermediate shaft segment (28). Clearly an artisan skilled in the art of forming light weight shafts would have selected a suitable stop in which a collar (hollow plug) is included.

Ehrich lacks three shaft segments with two sets of extension stops collars at distal ends of shaft segments, two sets of retraction stop collars, a second dual abutment collar fastened to the exterior surface of a distal shaft segment at a proximal end, a second extension stop collar abuts a second dual abutment collar upon full telescopic extension simultaneously as the first extension stop collar abuts a first dual abutment collar, a second retraction stop collar abuts a second dual abutment collar

upon full telescopic retraction simultaneously as the first retraction stop collar abuts a first dual abutment collar, and a second extension stop collar having an interior diameter sized such that a distal shaft segment fits slidingly inside.

Arkin discloses more than two shaft segments (Figs. 2, 10-11). In view of the patent of Arkin it would have been obvious to modify the telescopic shaft of Ehrich to have three shaft segments with two sets of extension stops collars at distal ends of shaft segments, two sets of retraction stop plugs, a second dual abutment collar fastened to the exterior surface of a distal shaft segment at a proximal end, a second extension stop collar abuts a second dual abutment collar upon full telescopic extension simultaneously as the first extension stop collar abuts a first dual abutment collar, a second extension stop collar having an interior diameter sized such that a distal shaft segment fits slidingly inside and a second retraction stop plug abuts a second dual abutment collar upon full telescopic retraction simultaneously as the first retraction stop plug abuts a first dual abutment collar in order to collapse a club to a smaller length for minimizing storage space requirements when transporting.

It would have been obvious to modify the club of Ehrich to have retraction stop plugs being collars (hollow plug) in order to minimize weight of a putter by not having solid plugs.

***Allowable Subject Matter***

12. Claims 7 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. None of the prior art discloses or renders as obvious retraction stop collars and dual abutment collars having notch and locking projections in addition to the other elements of structure claimed.

13. Claims 6, 8-9, 13 and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art discloses or renders as obvious retraction stop collars and dual abutment collars having notch and locking projections in addition to the other elements of structure claimed.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (703) 308-1513. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is



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(703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 12 July 2004



**STEPHEN BLAU**  
**PRIMARY EXAMINER**